IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL APPLICATION NO. 1564 OF 2005
ALONGWITH
CRIMINAL APPLICATION NO. 1565 OF 2005
ALONGWITH
CRIMINAL APPLICATION NO. 1566 OF 2005
ALONGWITH
CRIMINAL APPLICATION NO. 1567 OF 2005
ALONGWITH
CRIMINAL APPLICATION NO. 1569 OF 2005
ALONGWITH
CRIMINAL APPLICATION NO. 1570 OF 2005
ALONGWITH
CRIMINAL APPLICATION NO. 1571 OF 2005

Mr. Shashi Gopal & Ors ...Applicants

Versus

Jawaherlal Lachmandas Agiana
and Another ...Respondents

.....

Mr. Ganesh Bhujbal i/b Mr. Prakash Naik Advocate for Applicants

Mr. S.R. Shinde, A.P.P. for State in Application Nos. 1564 to 1567 of 2005.

Mr. Y.S. Shinde, A.P.P. for State in Application Nos.1569 to 1571 of 2005.

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CORAM: SMT. V.K. TAHILRAMANI, J.

DATED: 26TH OCTOBER, 2005

P. C.:-

1. Heard the learned advocate for the applicants, learned advocate for respondent i.e. original complainant and the learned A.P.P. for the State.

2. The applicants have prayed for quashing of process issued against them in Criminal Case Nos. 186/SS/2004, 187/SS/2004, 188/SS/2004, 189/SS/2004,

191/SS/2004, 202/SS/2004 and 190/SS/2004 which are pending in the Court of learned Metropolitan Magistrate, 12th Court, Mazgaon, Mumbai. In the said cases, process has been issued against the applicants under Section 138 r.w. 141 of Negotiable Instruments Act.

3. For the reasons recorded in the decision of this Court in the case of **V.K. Jain & Ors. Vs. Pratap Vs. Padode and Anr, reported in 2005(3) Mh.L.J. 778,** in my opinion, the applicants have an efficacious remedy of preferring revision against the order of Magistrate issuing process. Hence, in my view, it would be appropriate that the applicants prefer revision before the concerned Sessions Court against the order of the Magistrate issuing process.

4. Liberty is granted to the applicants to prefer revision before the concerned Sessions Court. The learned advocate for the applicants states that the necessary revision would be preferred within a period of six weeks from today. In view of this statement, the trial Court shall not proceed with the trial for a period of six weeks from today. The learned advocate for the respondent i.e. original complainant fairly states that no objection would be raised in respect of delay in filing revision before the learned Sessions Judge. The learned advocate for

the applicants states that he will give three days advance notice to the learned advocate for the complainant in respect of filing revision.

5. On the necessary revision being preferred by the applicants before the concerned Sessions Court, the concerned Sessions Court shall dispose of the same on merits after hearing necessary parties.

6. Applications are disposed of.

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